

AMENDED IN ASSEMBLY SEPTEMBER 3, 1999

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN SENATE JUNE 2, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 679

Introduced by Senator Johnston
(Coauthor: Assembly Member Machado)

February 24, 1999

An act to amend ~~Section 42247 of the Education Code, relating to elementary and secondary~~ *Item 6610-001-0001 of Section 2.00 of Chapter 50 of the Statutes of 1999, relating to education, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as amended, Johnston. ~~Elementary and secondary education: desegregation costs~~ *Education.*

~~Existing law authorizes the reimbursement of a school district for the amount necessary to pay any costs mandated by the courts. Existing law authorizes the governing board of any school district that maintains a program designed to remedy the harmful effects of racial segregation that originated under a court mandate to submit a claim for reimbursement to the Controller for costs of the program. The Budget Act of 1999 appropriates, among other amounts, \$2,190,847,000 for support of the California State University. Of this amount, the act specifies that \$1,700,000 is for conversion of the Stockton Developmental Center into the~~

Regional and Continuing Education Center at California State University, Stanislaus. The Budget Act of 1999 also declares the intent of the Legislature to annually provide funds for this purpose through the 2001–02 fiscal year.

~~This bill would require the Controller to propose to the Legislature on or before March 1, 2000, a method for appropriately reimbursing school districts for the cost of magnet school programs ordered by a court pursuant to a desegregation program that originated under a court mandate and were previously reimbursed through a federal grant delete the reference to the 2001–02 fiscal year from this declaration of legislative intent.~~

~~This bill would appropriate \$600,000 from the General Fund to the Superintendent of Public Instruction for allocation to the Stockton Unified School District as reimbursement for audited court-ordered desegregation costs in that school district.~~

(2) Existing law establishes public postsecondary, secondary, and elementary schools throughout the state. Among the public postsecondary schools are the various institutions that comprise the California State University system. The public secondary and elementary schools are administered by the various school districts and county offices of education.

This bill would appropriate, without regard to fiscal year, \$2,300,000 from the General Fund. Of this amount, \$1,300,000 would be appropriated to the Trustees of the California State University for allocation for the continuing conversion of the Stockton Developmental Center into the Regional and Continuing Education Center at California State University, Stanislaus. The bill would appropriate the remaining \$1,000,000 to the Superintendent of Public Instruction for allocation, in accordance with specified criteria, to school districts and county offices of education to fund the acquisition of school library materials. To the extent that the \$1,000,000 amount is allocated to school districts, these funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: ~~no~~—yes. Fiscal committee:
yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1.—Section 42247 of the Education Code is~~

*SECTION 1. Item 6610-001-0001 of Section 2.00 of
Chapter 50 of the Statutes of 1999 is amended to read:*

6610-001-0001—For support of the California State
University 2,190,847,000

Schedule:

(a) Support 2,947,422,000

(b) Reimbursements -128,558,000

(c) Amount payable from the
Higher Education Fees and In-
come, CSU Fund (Item
6610-001-0498) -628,017,000

Provisions:

1. The appropriations made in this item are
exempt from Section 31.00 of this act, except
as otherwise provided by the applicable
sections of the Government Code referred to
in Section 31.00.

2. Of the amount appropriated in this item,
\$814,000 is available for transfer to the
California State University and Colleges
Special Projects Fund pursuant to Section
25008.5 of the Public Resources Code, which
allows state agencies to retain 50 percent of
the financial benefits realized through energy
savings projects.

3. Of the amount appropriated in this item,
\$7,235,000 is provided for payment of energy
service contracts in connection with the
issuance of Public Works Board Energy
Efficiency Revenue Bonds.

4. Of the amount appropriated in this item,
\$350,000 is for transfer to the Affordable
Student Housing Revolving Fund for the

1 purpose of subsidizing interest costs in
2 connection with bond financing for
3 construction of affordable student housing at
4 the Fullerton and Hayward campuses in
5 accordance with Article 3 (commencing with
6 Section 90085) of Chapter 8 of Part 55 of the
7 Education Code.

8 5. Of the amount appropriated in this item,
9 \$1,878,000 is for repayment of the \$17,000,000
10 financed for the California State University
11 through a third party for deferred
12 maintenance projects in the 1994–95 fiscal
13 year. It is the intent of the Legislature to
14 annually provide funds for that repayment
15 purpose through the 2009–10 fiscal year.

16 6. Of the amount appropriated in this item,
17 \$2,309,000 is for repayment of the \$24,000,000
18 financed for the California State University
19 through a third party for deferred
20 maintenance projects in the 1995–96 fiscal
21 year. It is the intent of the Legislature to
22 annually provide funds for that repayment
23 purpose through the 2010–11 fiscal year.

24 7. Of the amount appropriated in this item,
25 \$1,700,000 is for conversion of the Stockton
26 Developmental Center into the Regional and
27 Continuing Education Center at CSU,
28 Stanislaus. It is the intent of the Legislature to
29 annually provide funds for this purpose
30 ~~through the 2001–02 fiscal year.~~

31 8. Of the amount appropriated in this item,
32 \$2,000,000 is provided to support the Bilingual
33 Teacher Recruitment Program.

34 9. Of the funds appropriated in this item,
35 \$2,000,000 is provided for a teacher
36 recruitment program to be operated by the
37 California Center for Teaching Careers.

38 10. Of the funds appropriated in Schedule (a),
39 \$15,000,000 is provided for outreach to be used
40 to fund new and existing programs that are

aimed at improving the chances for K–12 pupils from a wide diversity of backgrounds to become eligible and prepared for the California State University. Of this total, \$5,000,000 is provided for faculty-to-faculty alliance with high school teachers of English and mathematics, \$4,000,000 is provided for learning assistance programs in high school, ~~and~~ \$2,000,000 is provided for the Precollegiate Academic Development Program at the California State University, \$2,000,000 is for the California State University Educational Opportunity Program (Art. 6 (commencing with Sec. ~~89521~~ 89250), Ch. 2, Pt. 55, Ed. C.), and \$2,000,000 is for the California Academic Partnership Program (Ch. 11 (commencing with Sec. 11000), Pt. 7, Ed. C.).

11. Of the amount appropriated in this item, \$65,647,000 is provided for student financial aid grants, including \$48,285,000 for State University grants and \$17,362,000 for grants pursuant to the California State University Educational Opportunity Program. These financial aid funds shall be provided to needy students according to the nationally accepted needs analysis methodology.

SEC. 2. The sum of two million three hundred thousand dollars (\$2,300,000) is hereby appropriated for expenditure, without regard to fiscal year, from the General Fund in accordance with the following schedule:

(a) One million three hundred thousand dollars (\$1,300,000) to the Trustees of the California State University, for allocation for the continuing conversion of the Stockton Developmental Center into the Regional and Continuing Education Center at California State University, Stanislaus.

(b) One million dollars (\$1,000,000) to the Superintendent of Public Instruction, for allocation, as an

1 equal amount per unit of regular average daily
2 attendance, to school districts and county offices of
3 education to fund the acquisition of school library
4 materials pursuant to Article 7 (commencing with
5 Section 18180) of Chapter 2 of Part 11 of the Education
6 Code. Each school district and county office of education
7 to which an allocation is made under this subdivision shall
8 meet all of the following criteria:

9 (1) The school district or county office of education did
10 not receive an allocation for the 1998–99 fiscal year from
11 funds appropriated pursuant to Item 6110-149-0001 of
12 Section 2.00 of the Budget Act of 1998.

13 (2) The school district or county office of education has
14 approved a districtwide school library plan pursuant to
15 Section 18181 of the Education Code.

16 (3) The amount allocated per unit of average daily
17 attendance to a school district or county office of
18 education pursuant to this subdivision shall not exceed
19 the amount allocated to a school district or county office
20 of education pursuant to Item 6110-149-0001 of Section
21 2.00 of the Budget Act of 1998.

22 amended to read:

23 ~~42247. (a) Notwithstanding any other provision of~~
24 ~~law, reimbursements authorized by Sections 42243.9 and~~
25 ~~42249 for desegregation costs incurred in the 1985–86~~
26 ~~fiscal year, and each fiscal year thereafter, shall not~~
27 ~~exceed the following amounts:~~

28 ~~(1) For desegregation programs operating pursuant to~~
29 ~~a final court order issued prior to the effective date of this~~
30 ~~section, or January 1, 1986, as appropriate, the amount~~
31 ~~calculated pursuant to Section 42247.3.~~

32 ~~(2) For desegregation programs initiated after the~~
33 ~~1984–85 fiscal year, the amount in excess of one-fifth of the~~
34 ~~audited costs approved by the Controller for the first full~~
35 ~~year of operation, adjusted pursuant to Section 42247.2,~~
36 ~~provided that the school district has contributed in the~~
37 ~~prior fiscal year not less than one-fifth of the audited costs~~
38 ~~approved by the Controller for that fiscal year. For~~
39 ~~purposes of this paragraph, desegregation programs~~
40 ~~initiated after the 1984–85 fiscal year shall not include~~

1 expansion of desegregation activities by school districts
2 that were reimbursed pursuant to Section 42249 for
3 desegregation costs incurred during the 1984-85 fiscal
4 year, except as otherwise provided by Section 42247.2.

5 (3) For all other desegregation programs, the amount
6 in excess of one-fifth of the audited desegregation costs
7 approved by the Controller and incurred in the 1984-85
8 fiscal year, adjusted pursuant to Section 42247.2, provided
9 that the school district has contributed in the prior fiscal
10 year not less than one-fifth of the audited costs approved
11 by the Controller for that fiscal year.

12 (b) Claims for reimbursement of desegregation
13 program costs shall be subject to audit by the Controller
14 to determine all of the following:

15 (1) That the costs and programs are for purposes of
16 desegregation or alleviation of the harmful effects of
17 racial segregation, as provided in the plan submitted by
18 the district pursuant to Section 42247.1.

19 (2) That the costs are costs in excess of the district's
20 expenditure levels for regular educational programs.

21 (3) That the costs are neither excessive nor
22 unreasonable.

23 (c) School districts shall subject any claim for the
24 reimbursement of actual desegregation program costs to
25 audit in accordance with the standards and procedures
26 established pursuant to subdivision (b) of Section 42246.
27 Each claim for the payment of actual costs submitted to
28 the Controller shall be accompanied by the audit any any
29 related reports issued by the entity performing the audit,
30 unless the school district contracts with the Controller for
31 the performance of the audit. This subdivision is not
32 intended to require that estimated current year claims be
33 subjected to audit prior to submission to the Controller.

34 (d) Claims for reimbursement of desegregation
35 program costs shall not include costs for school
36 construction, reconstruction, replacement of facilities,
37 purchase of facilities, purchase of land, or modernization
38 of facilities.

39 (e) Notwithstanding any other provision of law, it is
40 the intent of the Legislature to enact legislation that

1 ~~would make an appropriation to reimburse school~~
2 ~~districts for the full cost of magnet school programs~~
3 ~~ordered by a court pursuant to a desegregation program~~
4 ~~that originated under a court mandate and were~~
5 ~~previously reimbursed through a federal grant.~~

6 ~~SEC. 2. In accordance with the intent of the~~
7 ~~Legislature expressed in subdivision (c) of Section 42247~~
8 ~~of the Education Code, the Controller shall, on or before~~
9 ~~March 1, 2000, propose to the Legislature a method for~~
10 ~~appropriately reimbursing school districts for the cost of~~
11 ~~magnet school programs ordered by a court pursuant to~~
12 ~~a desegregation program that originated under a court~~
13 ~~mandate and were previously reimbursed through a~~
14 ~~federal grant. The proposed method should optimize the~~
15 ~~continued delivery of the educational program with the~~
16 ~~least disruption possible.~~

17 ~~SEC. 3. The sum of six hundred thousand dollars~~
18 ~~(\$600,000) is hereby appropriated from the General Fund~~
19 ~~to the Superintendent of Public Instruction for allocation~~
20 ~~to the Stockton Unified School District as reimbursement~~
21 ~~for audited court-ordered desegregation costs in that~~
22 ~~school district.~~

